

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MEMPHIS A. PHILIP RANDOLPH INSTITUTE,
THE EQUITY ALLIANCE, FREE HEARTS, THE
MEMPHIS AND WEST TENNESSEE AFL-CIO
CENTRAL LABOR COUNCIL, THE TENNESSEE
STATE CONFERENCE OF THE NAACP, SEKOU
FRANKLIN, and KENDRA LEE,

Plaintiffs,

v.

TRE HARGETT, in his official capacity as Secretary
of State of the State of Tennessee, MARK GOINS, in
his official capacity as Coordinator of Elections for
the State of Tennessee, and AMY WEIRICH, in her
official capacity as the District Attorney General for
Shelby County, Tennessee,

Defendants.

Civil No. 3:20-cv-0374

JUDGE RICHARDSON
MAGISTRATE JUDGE FRENSELY

MOTION FOR RECONSIDERATION

Pursuant to Federal Rule of Civil Procedure 54(b), and subject to the Court’s inherent authority, Plaintiffs respectfully request reconsideration of the Court’s August 11, 2020 Order denying Plaintiffs’ motion for a preliminary injunction as to Tennessee Code § 2-6-202(c)(4). *See Rodriguez v. Tennessee Laborers Health & Welfare Fund*, 89 F. App’x 949, 959 (6th Cir. 2004); *see also In re Saffady*, 524 F.3d 799, 803 (6th Cir. 2008) (“District courts have inherent power to reconsider interlocutory orders and reopen any part of a case before entry of a final judgment.”). The Court denied Plaintiffs Motion to preliminarily enjoin Tennessee Code § 2-6-202(c)(4) based on finding that the conduct Plaintiffs seek to engage in—distribution of absentee ballot request forms obtained online from the state and local election commissions—is actually governed by

Tennessee Code § 2-6-202(c)(3), rather than Tennessee Code § 2-6-202(c)(4). *See* Dkt. No. 66 (“Order”) at 15. Plaintiffs respectfully seek reconsideration of the Court’s Order, however, because under Tennessee law, the forms at issue are considered to be requests for an application to vote absentee, *see* Tenn. Code § 2-6-202(a)(3), even though, as the Court notes, their function is to actually request an absentee ballot, rather than request an absentee ballot application. As such, and contrary to the Court’s Order, Plaintiffs proposed conduct is prohibited by Tennessee Code § 2-6-202(c)(4), as they allege.

Plaintiffs have filed a memorandum of law in support of this motion explaining the legal and factual basis for Plaintiffs request. Plaintiffs conferred with Defendants about this Motion on August 12, 2020, and Defendants oppose. Plaintiffs request that the Court reconsider its Order and, ultimately, grant Plaintiffs’ Motion for Preliminary Injunction with all due expediency in light of impending Election deadlines. Moreover, to the extent a response is required from the State, Plaintiffs request that the Court order such response be made—either in writing or by emergency hearing—by Tuesday, August 18, 2020.

Dated: August 14, 2020

Respectfully submitted,

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Certificate of Service

I, Lisa Helton, certify, pursuant to Local Rule 5.01, that on this 14th day of August, 2020, the foregoing Motion for Reconsideration was served via the Court's CM/ECF filing system on the following:

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